

**NEBRASKA STATE BOARD OF HEALTH MEETING**  
**DRAFT MINUTES – March 15, 2021**

**ATTENDANCE NOTIFICATION.** A regular meeting of the State Board of Health was called to order by the Chair, Dr. Doug Vander Broek, at 1:00 PM on March 15, 2021 via WebEx video conference hosted in Conference Room Licensure Unit 1 of the Nebraska State Office Building in Lincoln. Copies of the agenda were mailed electronically to board members and other interested parties prior to the meeting, and posted on the Health and Human Services website. The following members were present via video, telephone or in person: Joel Bessmer, MD; Russell Crotty, OD; Diane Jackson, APRN; Michael Kotopka, DDS; John Kuehn, DVM; Donald Ostdiek, DPT; Colton Palmer, PMHNP; Mark Patefield, PharmD; Daniel Rosenthal, PE; Robert (Bud) Synhorst; Timothy Tesmer, MD; Doug Vander Broek, DC; Dan Vehle; Joshua Vest, DPM. Quorum met.

Staff and others attending: Matt Gelvin, Monica Gissler, Marla Scheer.

Board members not in attendance: Shane Fleming, MSN, RN; David Reese

**APPROVAL OF AGENDA.** Dr. Vander Broek asked if there were any changes to the agenda for the meeting today and the minutes from January 25, 2021. The Rules and Regulations Committee report was moved to the first committee report. Dr. Vander Broek clarified the meeting schedule for the Medical Nutrition Therapy meetings. Dr. Kuehn made a motion to approve the agenda, seconded by Dr. Vest; voting yes: 14 (Bessmer, Crotty, Jackson; Kotopka, Kuehn, Ostdiek, Palmer, Patefield, Rosenthal, Synhorst, Tesmer, Vander Broek, Vehle; Vest); voting no: 0; not voting: 0. Motion carried.

**UPDATES, REPORTS**

Public Health and Licensure Unit – Sara Morgan, DHHS Administrator, reported on the Covid vaccination program, including prioritization.

Dr. Anthone, Chief Medical Officer, provided an update on COVID-19 activities.

Legislation – Mr. Bartels reported that legislative hearings are completed for this session. DHHS has two bills: LB273 regarding Youth Residential Treatment Centers, and LB296 regarding patient records. There have also been confirmation hearings for two DHHS directors.

Board of Health Chair – Dr. Vander Broek

1. Attendance at any professional board meetings?

It is important that you let Monica know in advance when you plan to attend a meeting, and if you plan to attend the entire meeting or just a portion. When you arrive at the meeting or join a virtual meeting, please make a point of introducing yourself to the Board staff and members.

Dr. Vander Broek attended the Board of Chiropractic meeting via WebEx on February 4.

Dr. Tesmer attended the Board of Medicine and Surgery meeting via phone on February 26, 2021.

2. The Governor appointed three new members to the Board of Health.  
Donald Ostdiek, DPT from Omaha  
Colton Palmer, PMHNP from Omaha  
David Reese, Hospital Administrator from Lincoln  
Dr. Vander Broek thanked Dr. Warner and Mr. Hansen for their service on the Board.
3. Later today we will elect a new Vice Chair for the Board of Health. If anyone wants to be added to the ballot, please email or text Monica ASAP.

**Rules and Regulations Committee** – Dr. Vest, Committee Chair, reported. Regulations were reviewed with staff during the morning committee meeting.

<https://dhhs.ne.gov/Pages/DHHS-Regulations.aspx>

- 172 NAC 89 – Practice of Acupuncture – Jesse Cushman  
[https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal\\_id=2249](https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2249). The proposed regulation removes duplicative statutory and regulatory language and provides a reference to 172 NAC 10. Chapter 10 provides requirements, guidance, and consistency to all individuals who may be applying for a credential, renewing and reinstating a credential, and definitions and other processes that are consistent for all credential holders under the Uniform Credentialing Act. Changes to this chapter include references the unprofessional conduct in chapter 88, for all professions under the purview of the Board of Medicine and Surgery all unprofessional conduct sections now reference 172 NAC 88 and may have a few additional requirements that are listed in each chapter. No new items were added to this chapter. A Public hearing was held on October 10, 2020.
- 172 NAC 91 – Licensure of Perfusionists – Jesse Cushman  
[https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal\\_id=2289](https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2289). The proposed regulation removes duplicative statutory and regulatory language and provides a reference to 172 NAC 10. Chapter 10 provides requirements, guidance, and consistency to all individuals who may be applying for a credential, renewing and reinstating a credential, and definitions and other processes that are consistent for all credential holders under the Uniform Credentialing Act. Changes to this chapter include references the unprofessional conduct in chapter 88, for all professions under the purview of the Board of Medicine and Surgery all unprofessional conduct sections now reference 172 NAC 88 and may have a few additional requirements that are listed in each chapter. No new items were added to this chapter. A Public hearing was held on December 2, 2020.
- 172 NAC 92 – Licensure of Genetic Counselors – Jesse Cushman  
[https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal\\_id=2289](https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2289). The proposed regulation removes duplicative statutory and regulatory language and provides a reference to 172 NAC 10. Chapter 10 provides requirements, guidance, and consistency to all individuals who may be applying for a credential, renewing and

reinstating a credential, and definitions and other processes that are consistent for all credential holders under the Uniform Credentialing Act. Changes to this chapter include references the unprofessional conduct in chapter 88, for all professions under the purview of the Board of Medicine and Surgery all unprofessional conduct sections now reference 172 NAC 88 and may have a few additional requirements that are listed in each chapter. No new items were added to this chapter. A Public hearing was held on November 17, 2020.

- 172 NAC 180 – Practice of Veterinary Medicine and Surgery – Jesse Cushman [https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal\\_id=2355](https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2355). The proposed regulation removes duplicative statutory and regulatory language and provides a reference to 172 NAC 10. Chapter 10 provides requirements, guidance, and consistency to all individuals who may be applying for a credential, renewing and reinstating a credential, and definitions and other processes that are consistent for all credential holders under the Uniform Credentialing Act. A public hearing was held January 28, 2021.
- 172 NAC 182 – Licensure of Animal Therapists – Jesse Cushman [https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal\\_id=2355](https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2355). The proposed regulation removes duplicative statutory and regulatory language and provides a reference to 172 NAC 10. Chapter 10 provides requirements, guidance, and consistency to all individuals who may be applying for a credential, renewing and reinstating a credential, and definitions and other processes that are consistent for all credential holders under the Uniform Credentialing Act. A public hearing was held January 28, 2021.
- 173 NAC 9 – Electronic Reporting - Syndromic Surveillance – Sandra Gonzalez [https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal\\_id=2302](https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2302). This program protects the public health and tracks the impact of disease prevention strategies intended to lower the cost of health care. Licensed hospitals and emergency care facilities are already required to report electronic health record data in order to comply with U.S. government standards for the exchange of electronic health records between healthcare providers, between providers and insurers, and between providers and patients. The reporting of this data is automated, and does not require additional information system infrastructure. The proposed changes to the regulations eliminate any repeat of statute and any unnecessary requirements. The proposed changes also include changes to definitions to provide clarity. The public hearing was held December 17, 2020.
- 172 NAC 97 – Approval of Basic Nursing Programs in Nebraska – Ann Oertwich [https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal\\_id=2368](https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2368). 172 NAC 97 sets forth standards for approval of registered and practical nursing education programs in Nebraska per Nebraska Revised Statute (Neb. Rev. Stat.) §§ 38-2232 through 38-2234. The Board of Nursing approves pre-licensure nursing education programs for registered nurses and licensed practical nurses. This regulation provides minimum standards for programs including education of nursing faculty, faculty-to-student ratios, and requirements for program survey and annual

reporting. These regulations went to an initial public hearing on November 16, 2020. Significant input was provided as written testimony from the Nebraska Assembly of Deans and Directors in collaboration with the Board of Nursing. The regulations, with recommendations, went to a second public hearing February 21, 2021.

Dr. Vander Broek asked if anyone wanted any of the regulations separated out for individual voting. Mr. Hansen made a Committee motion to approve all proposed rules and regulations with one collective vote. Voting yes: 13 (Bessmer, Crotty, Jackson; Kotopka, Kuehn, Ostdiek, Palmer, Patefield, Rosenthal, Synhorst, Tesmer, Vander Broek, Vehle); voting no: 0; not voting: 0. Motion carried.

- UCA Regulation Status Report. At the morning committee meeting, Dr. Vest and Kris Chiles reviewed the timeline for regulations going through the update process.

**Credentialing Review (407) Committee** – Mr. Rosenthal, Committee Vice Chair, presented.

<https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx>

# Board of Health action on the Medical Nutrition Therapy proposal and Committee Report. The Committee met in the morning to form recommendations on this proposal to present to the full Board. The Technical Review Committee, chaired by Dr. Vander Broek, met five times from October 2020 to March 2021. The Credentialing Review Committee reviewed the six criterion, and voted unanimously to approve the proposal. There were no concerns expressed about the proposal. There was a Committee motion to approve the Medical Nutrition Therapy proposal. Voting yes: 13 (Bessmer, Crotty, Jackson; Kotopka, Kuehn, Palmer, Patefield, Rosenthal, Synhorst, Tesmer, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.

**Professional Boards Committee**. Mr. Synhorst, Committee Chair, reported. They conducted two interviews by telephone in the morning meeting, and reviewed other applications. We continue to need public member applicants.

Nursing: Sonet Smutny, RN from Meadow Grove for the Staff Nurse position, partial term through November 30, 2024.

Nebraska Center for Nursing: Recommendations for the Board of Health Recommended positions. There is one more vacancy for this position.

Sheila Bjerrum, RN

Joan Nelson, MS, BSN, RN

Mr. Synhorst made a Committee motion to approve the appointment and recommendations. Voting yes: 13 (Bessmer, Crotty, Jackson; Kotopka, Kuehn, Ostdiek, Palmer, Patefield, Rosenthal, Synhorst, Tesmer, Vander Broek, Vehle); voting no: 0; not voting: 0. Motion carried.

We are still seeking public members for: Dentistry; Funeral Directors and Embalmers; Hearing Instrument Specialists; and Medical Nutrition Therapy, along with a few professional positions. The website will be updated.

<https://dhhs.ne.gov/licensure/Pages/Board-Requirements-and-Vacancies.aspx>

**Public Health, Education and Legislation Committee:** Dr. Kuehn, Committee Chair, reported.

- Legislative Actions. Monica sends out regular updates which lists any letters of testimony or other actions taken. There was a discussion started regarding the Board of Health's role with regard to legislation and how it evaluates a bill and decides to take a position on it. The discussion will continue in June or September.
- Joint Presentation to the HHS Legislative Committee – Dr. Vander Broek shared information about the presentation he and Becky Wisell gave on February 11<sup>th</sup>. It included current and recent Credentialing Reviews, Board of Health committee updates, the new Licensing and Certification system LANCE, and staffing responses to the Pandemic.
- Other Committee Update

**Approval of Committee Reports.** Dr. Kuehn made a motion to approve the Committee Reports, seconded by Mr. Synhorst All I favor by voice vote. Motion carried.

**PUBLIC COMMENTS.** None.

**UNFINISHED BUSINESS.** None.

**NEW BUSINESS.**

- Election of Vice Chair for 2021. Candidates were Dr. Joel Bessmer and Mr. Bud Synhorst. Thank you to Mr. Synhorst for agreeing to serve as the 2021 Board of Health Vice Chair!

Board of Health remaining meeting dates for 2021:

June 14

September 20, interviews on Sunday, September 19

November 15

**TOPICS AND PREPARATION FOR NEXT MEETING.** The next regular Board of Health meeting will be June 14, 2021 via WebEx / teleconference, and possibly in person as well.

**ADJOURN.** There being no further business, Mr. Synhorst made a motion to adjourn, with a second by Dr. Tesmer; all in favor by voice vote. The meeting adjourned at 2:09 PM. Minutes were taken by Monica Gissler.

These minutes are scheduled for approval by the State Board of Health on June 14, 2021.

**NOTE:** If you would like to receive these minutes electronically instead of receiving a hard copy, please send a request to the email address below. Please also inform staff if you

would like to be removed from this distribution list altogether.

*If you would like any attachments mentioned in these minutes, or have other questions, please contact Monica Gissler, 402/471-6515, Fax 402/471-0383, or email at: [monica.gissler@nebraska.gov](mailto:monica.gissler@nebraska.gov).*

Board of Health: <http://dhhs.ne.gov/licensure/Pages/Board-of-Health.aspx>

3/29/21, mcg